IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition (M/S) No. 1310 of 2006.

Vinod Kumar S/O Shri Shyam Lal, R/O Village Netwala Saidabad, Tehsil Laksar, District Haridwar.

… **Petitioner.**

Vs.

1. Commissioner Garhwal Mandal, Camp Office Dehradun, District Dehradun.
2. Up Zila Adhikari Laksar, District Haridwar.

…Respondents.

Sri Lokpal Singh, learned counsel for the petitioner.
Sri R.C. Arya, learned Standing Counsel for the State-respondents.

Date September 08, 2006

P.C.: Hon'ble B.S. Verma, J.

Heard learned counsel for the parties and perused the record.

By means of this writ petition, the petitioner has sought a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to decide the appeal pending before him expeditiously with the allegation that the petitioner is a dealer of fair price shop in Gram Sabha Netwala Saidabad in Laksar and it appears that during the verification of stock register etc. by the officials of supply department, which had arisen out of a complaint, the respondent no.2 passed order dated 27-05-2006 and suspending the functioning of fair price shop by the petitioner and the shop of the petitioner was ordered to be attached with another fair price shop keeper. Being aggrieved by the suspension order dated 27-05-2006, the petitioner went up in appeal before the Commissioner, Garhwal Region, and moved stay application along with the appeal, but no stay order was passed by the respondent no. 1 on the stay application.

In the course of arguments, the learned counsel for the petitioner has given emphasis for quashing the suspension order and in the alternative it has been urged that the respondent no.1 may be directed to consider the application for stay moved by the petitioner.

In the facts and circumstances of the case, the respondent no.1 is directed to decide the appeal preferred by the petitioner on 30-05-2006 against the suspension order dated 27-05-2006 passed by the respondent no.2 on merit preferably within a period of three months from the date of production of certified copy of this order and the application for interim order moved by the petitioner/ appellant shall also be considered by the respondent no. 1.

Both the parties shall put in appearance before the respondent no. 1 on 9-10-2006, who shall then proceed with the case in accordance with law.

With the above directions, the writ petition is disposed of finally.

(B.S. Verma,J.)

RCP